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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,251	10/20/2006	Luca Gianni	13566.105020	7104
65989	7590	12/19/2008	EXAMINER	
KING & SPALDING			LAU, JONATHAN S	
1185 AVENUE OF THE AMERICAS			ART UNIT	PAPER NUMBER
NEW YORK, NY 10036-4003			1623	
			NOTIFICATION DATE	DELIVERY MODE
			12/19/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptomailnyc@kslaw.com

ADVISORY ACTION

Information Disclosure Statement

The information disclosure statement filed 03 Dec 2008 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.

Continuation of 3.

The proposed amendment AFTER FINAL, filed 03 Dec 2008, will not be entered because they raise new issues that would require further consideration and/or search, because the proposed amendment to claim 1 changes the scope and breadth of the claim. Claims 3-10 and 12-15 depend directly or indirectly from claim 1 and incorporate all limitations therein.

Continuation of 11.

Applicant's Remarks, filed 03 Dec 2008, have been fully considered and found not to be persuasive.

Applicant's Remarks regarding limitations in the proposed amendment are not persuasive because the proposed amendment AFTER FINAL will not be entered for reasons detailed above.

Applicant cites examples in the prior art disclosing examples of specific drug combinations at specific doses that unexpectedly result in drug interactions between drugs with different mechanisms of action, such as doxorubicin and paclitaxel in Hahn et al. and doxorubicin and interferon alpha in Dorr. However, the record does not show prior art teaches the unexpected results from these interactions between drugs with different mechanisms of action are predictive for unexpected results for all combinations of drugs with different mechanisms of action. Therefore, absent a showing that one of ordinary skill in the art would reasonably predict these synergistic results for all combinations of drugs with different mechanisms of action beyond the specific examples cited by Applicant, this evidence is not persuasive regarding the specific combination of ET-743 and doxorubicin.

Applicant shows evidence of unexpected results for a specific range of doses. This evidence is not persuasive because the showing of evidence is not commensurate in scope with the claims currently pending.

/Shaojia Anna Jiang/

Supervisory Patent Examiner, Art Unit 1623